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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

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13 DITECH FINANCIAL SERVICES LLC f/k/a)
GREEN TREE SERVICING LLC, and)
14 FEDERAL NATIONAL MORTGAGE)
ASSOCIATION,)
15)
Plaintiffs,)
16)
vs.)
17)
HIGHLAND RANCH HOMEOWNERS)
18 ASSOCIATION; TBR I, LLC; KERN &)
ASSOCIATES, INC.; AIRMOTIVE)
19 INVESTMENTS, LLC,)
20)
Defendants.)
21)

Case No. 3:16-cv-00194-MMD-WGC

22 **JOINT MOTION TO EXTEND TIME TO FILE NOTICE OF APPEAL**

23 COMES NOW, Defendants, AIRMOTIVE INVESTMENTS, LLC ("*Airmotive*") and
24 HIGHLAND RANCH HOMEOWNERS ASSOCIATION ("*HOA*"), and Plaintiffs, DITECH
25 FINANCIAL SERVICES LLC f/k/a GREEN TREE SERVICING LLC ("*Ditech*"), and
26 FEDERAL NATIONAL MORTGAGE ASSOCIATION ("*Fannie Mae*"), by and through their
27 undersigned counsel, and hereby jointly move this Court to extend the time to file a Notice of
28 Appeal in this matter, stating as follows:

1. On September 12, 2019, this Court entered an Order granting Plaintiffs' Motion for Summary Judgment. [ECF #121].
2. On the same date, a Final Judgment was entered. [ECF #122].
3. Since the entry of the Final Judgment, Airmotive, HOA, Ditech and Fannie Mae have been attempting to negotiate the terms of an amicable settlement of all claims at issue between them in this matter.
4. The current deadline to file a Notice of Appeal is October 14, 2019 (because October 12, 2019 falls on a Saturday).
5. The parties desire to further discuss an amicable resolution before incurring the costs associated with an appeal.
6. Fed. R. App. P. 4 provides in pertinent part as follows:
 - (5) *Motion for Extension of Time.*
 - (A) The district court may extend the time to file a notice of appeal if:
 - (i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and
 - (ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.
 - (B) A motion filed before the expiration of the time prescribed in Rule 4(a)(1) or (3) may be ex parte unless the court requires otherwise. If the motion is filed after the expiration of the prescribed time, notice must be given to the other parties in accordance with local rules.
 - (C) No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later.
7. Pursuant to Fed. R. App. P. 4, Airmotive, HOA, Ditech and Fannie Mae respectfully request that this Court enter an Order extending the deadline to file a Notice of Appeal herein until (a) November 11, 2019; or (b) 14 days after an Order granting this Motion is entered, whichever is later.

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1 8. This Motion is made in good faith and not for purpose of delay.

2 Dated this 11th day of October, 2019.

3 ROGER P. CROTEAU &
4 ASSOCIATES, LTD.

PERRY & WESTBROOK

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23 **Attorney for Plaintiffs**
24 **Ditech Financial Services, LLC and**
25 **Federal National Mortgage Association**

26 **IT IS SO ORDERED.**

27 By:  _____
28 Judge, U.S. District Court

Dated: October 15, 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of October, 2019, I served via the United States District Court CM/ECF electronic filing system, the foregoing **JOINT MOTION TO EXTEND TIME TO FILE NOTICE OF APPEAL** to the following parties:

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